

to the governing bodies as to the consistency of the proposals with the adopted comprehensive plan.

- (6) Study and propose regulatory and administrative measures which aid in the coordination of planning and development by all agencies of local government and by agencies of state government concerned with planning in the Tallahassee Metropolitan Area.
- (7) Review and comment on plans for joint development projects which relate to the comprehensive Plan or other physical plans as described herein or which affect the programming of capital improvements by the local governmental units.
- (8) Perform such other reviews and approvals as may be authorized by Article XI of the Leon County Code of Laws or other land development regulations.
- (9) Review and comment on proposed goals and policies for the transportation planning process.
- (10) Review and comment on the development of the Long Range Transportation Plan, and the goals and policies in existence and proposed for the transportation planning process.
- (11) Review and comment on short-range transportation planning including transit planning, bikeway planning, sidewalk planning, and other specific transportation planning as requested by the MPO.
- (12) Review and comment on project programming, program documents, and grant related matters as required by the MPO.
- (13) Serve as ex-officio members of community advisory committees for ongoing roadway projects.
- (14) Forward recommendations to the MPO on the prioritization of ISTEA

("Intermodal Surface Transportation Efficiency Act") Enhancement Projects.

- (15) Carry out other tasks as requested by the MPO.

(Ord. No. 92-10, § 2(5.2), 3-10-92; Ord. No. 96-02, § 3, 2-27-96; Ord. No. 97-21, § 2, 10-28-97)

Cross reference—Boards, authorities, commissions and similar agencies, § 2-46 et seq.

#### Sec. 10-853. Architectural review board.

(a) *Establishment.* There is hereby established the architectural review board. The members of the architectural review board shall be named by the city commission and the Board of County Commissioners. The membership shall be composed of: two members from the Tallahassee Trust for Historic Preservation, Inc.; the chairman of the planning commission or other member of the planning commission designated by the chairman; the director of the planning department; two members who are members of the American Institute of Architects and whose principal place of business or residence is in Leon County; and four owners of property having historic preservation zoning. All appointed members shall be residents or property owners in Leon County.

To the extent available, the architectural review board shall include owners of property as well as members from the disciplines of architecture, history, architectural history, planning, archaeology, or other fields related to historic preservation. All members shall have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines.

(b) *Terms of office.* The eight appointed members shall serve a term of three years except that four of the initial members shall serve two-year terms. In the case of an appointment to fill a vacancy the appointment shall be for the unexpired term only. Members shall not serve more than two full consecutive terms, inclusive of the initial two- or three-year terms; however, the chairman of the planning commission or designee and the Director of the Tallahassee-Leon County Planning Department shall serve during their tenure. Vacancies on the architectural review board shall be filled within 60 days.

this chapter until their designated expiration dates. Terms shall extend for three years and vacancies shall be filled for the unexpired portion of a term. Terms shall extend from July first of the year in which the appointment was made unless removed sooner by the appointing commission. Reasons for termination of a member include the following:

- (1) The member no longer resides or owns property in the city or is no longer a city utility customer for city appointees or no longer resides within Leon County for county appointees or joint appointees.
- (2) The member is absent from two of three successive regularly scheduled meetings.
- (3) The member has frequent conflicts of interest.

The planning commission shall elect one of their members chairperson for a term of one year, and the chairperson may serve one additional consecutive term. A quorum of four voting members is necessary for the planning commission to take formal action.

C. *Powers and duties.* The planning commission shall be responsible for comprehensive area-wide planning which shall include, but shall not be limited to, all of the following:

- (1) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, utility systems and facilities, recreation and open space areas, libraries and other cultural facilities, and such other facilities as are generally related to comprehensive development planning.
- (2) Recommending or reviewing proposed regulatory and administrative measures which will aid in achieving

coordination of all related plans of the departments or subdivisions of the governments concerned with and subject to intergovernmental coordination requirements. To the extent applicable in each study, preparation of the foregoing shall be related to metropolitan and area wide needs, but additional studies related primarily one unit of general local government may be undertaken when requested and when, in the view of the planning commission, such studies have a relationship to the harmonious development of the county as a whole.

- (3) Studies of zoning regulatory and administrative measures needed to achieve coordination and development in accordance with the comprehensive plan. All general and major revisions to the zoning regulations and the zoning maps shall be accomplished only after review by the planning commission for conformance with the comprehensive plan. All applications for rezoning or text amendments to any land development code, shall be filed with the governmental unit having jurisdiction, which application shall be forwarded to the planning commission for investigation and hearing. The planning commission shall submit its report and recommendation to the appropriate governing body. The planning commission may initiate applications for rezoning, or text amendments to the comprehensive plan for the purpose of evaluating changes in the zoning map, and may initiate proposals for revisions to the land development code.
- (4) Review of all Type D site and development plan proposals as described in Section 10-1480.
- (5) Review of proposed development codes and regulations and amendments and make recommendations

The chairman and vice chairman of the architectural review board shall be elected in September from the appointed members and shall serve for a one-year term. The historic preservation officer or designee shall serve as executive secretary to carry out staff functions.

(c) *Powers and duties.*

- (1) The purpose of the architectural review board is to preserve the distinctive character of the historical areas and other specific structures and landmarks identified by the Board of County Commissioners. To accomplish this purpose, the architectural review board shall approve, disapprove, or require modifications to plans for buildings to be erected, constructed, altered, renovated, moved, or razed, as they apply to the historic preservation overlay zoning district (HPOD). It may also assist the planning commission in determining areas suitable for the location into the overlay zoning district.
- (2) The architectural review board shall be responsible for the following:
  - a. To review and make recommendations on the listing of properties on the local register of historic places.
  - b. To review changes, except for routine maintenance, to the exterior of properties on the local register of historic places, and issue or deny certificates of appropriateness.
  - c. When necessary to ensure the protection of the character of property listed in the local register of historic places, to waive appropriate local government regulations specifically regarding setbacks, off-street parking, height, lot coverage, lot size, and floor area ratio requirements. The architectural review board may also waive local government requirements concerning nonconformities, excluding uses.
  - d. On behalf of the city and county, to administer the federal certified local government program for historic preservation.

- (3) In dispensing its responsibilities, the architectural review board shall be charged with the issuance of certificate of appropriateness for any development activity with regard to historic structures, landmarks or sites.
- (4) Recognizing that neglect is one of the most serious causes of destruction of historic buildings and that preservation is a public purpose, the architectural review board is authorized and encouraged to periodically review the physical conditions of structures in the areas designated as HPOD. If it finds serious neglect, that is, the structure does not meet the minimum building code requirement, the architectural review board is authorized and encouraged to seek and encourage repair and/or restoration on the part of the owner. If all else fails, the trustees of the historic Tallahassee preservation board may request the county to use its power of condemnation to condemn the building in its deteriorated condition so as to acquire and preserve such structure.
- (5) The architectural review board is an integral part of the review process for any project or application within an HPOD. In discharging its responsibilities, the architectural review board shall:
  - a. Attend the preapplication conference with the county administrator or designee to establish any specific requirements due to the sensitive nature of the overlay district; explain the certificate of appropriateness process as it relates to the application; explain the review criteria and disburse any additional forms or data needs.
  - b. Assist the Board of County Commissioners in its review of the project by attending appropriate meetings and providing input into the review of the concept plan. The architectural review board shall recommend specific approval or conditions to the Board of County Commissioners for

consideration. The architectural review board may accompany the county administrator or designee in presenting the recommendation, if requested by the Board of County Commissioners.

- c. The architectural review board shall be included in the review process when a specific project is being proposed, individually or in the implementation phase of a planned unit development project. The project shall not receive final approval until the architectural review board has issued a certificate of appropriateness.

(Ord. No. 92-10, § 2(5.9, 8.4), 3-10-92; Ord. No. 94-19, § I, 8-9-94; Ord. No. 97-21, § 3, 10-28-97; Ord. No. 97-28, § 1, 12-9-97)

**Cross reference**—Boards, authorities, commissions and similar agencies, § 2-46 et seq.

**State law reference**—Architectural review board, F.S. § 266.0027.

#### **Sec. 10-854. Appeal of architectural review board decisions.**

Any person aggrieved by a decision reached by the architectural review board may appeal the decision to the planning commission by filing written notice setting forth the grounds for the appeal with the planning department within ten days of the architectural review board decision. Such appeal shall be heard in accordance with the by-laws of the planning commission and notice requirements of this Code. The decision of the planning commission shall be advisory and transmitted to the Board of County Commissioners for final determination.

(Ord. No. 94-26, § 1, 12-13-94)

**Secs. 10-855—10-860. Reserved.**

### **DIVISION 3. CONTINUATION OF PRE-EXISTING LOTS, USES, BUILDINGS AND STRUCTURES**

#### **Sec. 10-861. Definitions.**

The words and terms used in this division are considered terms of art, i.e., having a unique